

Christmas Dinner Suggestions

Here are helper suggestions to round out a Merry Christmas feast. Table raisins, figs, assorted nuts, citron, lemon and orange peel, sweet pickled peaches and pears, jellies and preserves, sweet cider, boiled cider, olives, pimientos, plum puddings, mince-meat, bon bons, Gruenagen's candies and glazed fruits in 1-2, 1 and 2 lb. packages. Branded fruits, oranges, apples, cauliflower and celery. Don't forget a green Christmas tree.

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MAY SWORE AT BITTING

Testimony Somewhat Sensational in Embezzlement Case.

The trial of the case of Emmet May, charged with the embezzlement of \$1000 belonging to the widow of the late Jose Bettencourt, took a somewhat sensational turn in Judge Robinson's court yesterday when Attorney Bitting was put on the stand as the chief witness for the prosecution. The prosecution, by the way, closed its case with Mr. Bitting's testimony and, the defense not being ready to go on, the case went over until Thursday morning.

Mr. Bitting had acted as the attorney for the widow Bettencourt in attempting to collect from May the amount of the life insurance upon Bettencourt's life. He told, in detail and with some dramatic effect, the story of how he had tried to collect the money for the widow, and of how May had evaded the payment of the disputed sum upon various pretexts. Finally, as he did not seem to make any progress in the matter of the collection of the money, Bitting wrote a letter to the head office of the Germania Life Insurance Company, in the employ of which concern May was at that time. This letter, Bitting testified as an addendum to his main story, produced results.

"Mr. May came to my office," the witness said, "and said to me, 'You have pushed this matter to the extreme and, damn you, I will hound you until I kill you.'"

May, who had been sitting beside his attorney, Mr. Dunne, somewhat nervously fingering his moustache, laughed a little to himself when this testimony was given, and a rippling smile went around through the jury box. Bitting, resuming his testimony, said that May had called upon him several times with reference to the claim of Mrs. Bettencourt, and had finally told him after Bitting had secured a copy of his release from a bond in the sum of \$1000 for the executrix of the estate of Bettencourt, that he had invested the thousand dollars in stock of the Pacific Mill Company. "But," said Bitting, "he never showed me the stock, and I never saw it."

It developed that the defendant himself was the promoter of the Pacific Mill Company, and that he had invested the money, according to his story to Bitting, in his own company.

There was no cross-examination of this witness, and at the conclusion of his testimony Attorney Dunne moved that the court instruct the jury to acquit the defendant. This motion was denied. Then Mr. Dunne argued that the Attorney General should have put on a certain witness, one Dutra who was not called, and whom he had expected to be called. This matter was threshed out at some length and, as Mr. Andrews said that he did not intend to call the witness, Dunne said that that determination left him rather in the air, as he had no witnesses on hand. It was on this showing that the case went over until Thursday morning.

The session yesterday morning was devoted largely to the testimony of Mrs. Bettencourt, the widow of the man whose insurance policy May is alleged to have embezzled. She testified that her husband had a policy for \$1000 which she had given to May after her husband's death, so that he could get the money for her.

May said he would have to have some proof of her husband's death. May was agent for the Germania Insurance Company. May had gone on her bond as administratrix and after she had signed all the papers, May told her he had sent them to the Germania Company. She then signed a draft in May's office, she thought this was for the amount to come from the policy. May said that he could keep the money in his office for her. The arrangement was that May was to keep the money for six months so that if there were claims against her husband's estate she need not say anything about the money. May told her to be quiet about it as he was her bondsman and it might get him into trouble.

After Dutra had told her something about the money she went to see May and asked him about the amount of the policy. May said he was very sorry but he had invested her money with \$3000 in the Pacific Mill. She had not told him to invest her money at any time. He gave her no stock, nor even a receipt. After that she called many times but never got any from him so she went to lawyer Bitting about it. May told her that he did not like her getting a lawyer. He got very angry.

Here Attorney General Andrews produced an agreement which Mrs. Bettencourt identified. It was to allow her to reside in a house on Punchbowl from month to month until he could pay her \$1000, less \$15 a month for rent. She had not signed this paper. May also offered her three lots in Kaimuki in settlement of her claim.

Cross-examined by Attorney Dunne Mrs. Bettencourt said that her husband left no other estate than the \$1000 policy. Her husband she knew had been in debt and she feared that if the creditors knew of the insurance money they would take it. Dutra suggested that May should be asked to act as bondsman. May at first refused but afterwards agreed.

She denied absolutely saying that when the money came May could invest it for her so that he could pay himself for having done the favor to her.

COURT NOTES

Attorney General Andrews has entered a nolle pro in the case of the

Territory of Hawaii vs. Tai Chong, charged with common nuisance.

W. F. Harris yesterday filed in the Circuit Court his bond in the sum of \$10,000 as administrator of the estate of the late F. J. Walker. The Pacific Surety Company is the bondsman.

John Walker has filed his answer to the suit of Lord & Belser in the injunction proceedings brought to restrain the Commissioner of Public Works from granting Walker the contract to construct the Alakea street slip. Walker sets up a general denial of the allegations of the complaint, which grew out of a question of whether an order on a perfectly solvent firm could be accepted by the Commissioner of Public Works in lieu of a certified check accompanying a bid to do public work.

The federal grand jury was in session all day yesterday, looking into the alleged frauds at the last elections. The witnesses were all Democrats, the most conspicuous among them being Ben. Curtis Iauka, who took nearly all the afternoon to tell his troubles, and then, it is said, did not get through. In fact, there is a current belief that the Colonel's troubles have only just begun. He will have a lot more when he gets to Washington.

Administrator Cecil Brown filed his inventory as administrator of the estate of the late Kenahu Brenig in the Circuit Court yesterday. The total value of the property is \$19,195.

PACIFIC CLUB WILL BE HAILED INTO COURT NOW

Yesterday Attorney General Andrews issued a penal summons for the Pacific Club on a charge of selling liquor without license and the paper was given to Deputy Sheriff Rawlins to serve. It will be served today, and the club will agree to a statement of facts as set forth by the Attorney General. This is, in effect, that the club has been selling liquor to its members, and that it has also sold to visitors not members who have been given club privileges under the rules for certain limited periods. The Attorney General, on his part, will admit that the Pacific is a regularly incorporated club, with all the privileges pertaining to such organization.

Upon this agreed statement the case will go to the Circuit Court to get a judgment, which will be at once appealed to the Supreme Court. In this way a decision will be obtained, and a ruling upon the point as to whether the club has the right to sell liquor without taking out a regular saloon license.

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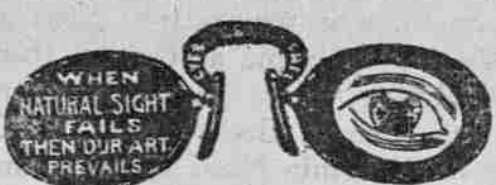
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LEPERS AND LUNATICS

Ashford Argues They Should Be Put In Same Class.

The brief of Attorney Ashford in the habeas corpus case of Emma Kaipu, a leper confined at the Kalaiki detention station, was filed with United States District Judge Dole yesterday. The brief, in itself, a formidable typewritten document, seems to hinge its argument upon the contention that because an insane person or a person suspected of being insane is given a semi-public examination to determine the question of sanity, therefore a person suspected of infection with a dangerous contagious disease has the constitutional right to such examination. "The sole question involved," says Attorney Ashford, "though divisible into many subsidiary questions, is this: Does the return of the respondent to the writ herein disclose a restraint of the patient, Mrs. Mikala Kaipu, by the Board of Health, or its officers, acting under due process of law?"

"There is no denial on the part of petitioner as to the existence in every sovereignty of certain inherent powers of internal management and control, usually described under the term Police Powers. Neither do we deny that the legitimate exercise of the Police Powers of this Territory might well be extended to the protection of the people against the evils of the disease of leprosy, and that such protection might be found to necessitate the apprehension and isolation of persons known to be suffering from the disease; but we insist that all such powers are held, and must be exercised in subordination to the well recognized and expressly recited limitations of the Constitution of the United States. If the restraint of this woman is sanctioned by the Constitution she must submit to that restraint; if not, she is entitled to be discharged therefrom."

"From the earliest times in the history of our race when the Government assumed control over the persons and estates of idiots and lunatics there has been some provision for an inquiry into the mental condition of the patient, or person charged with idiosyncrasy or lunacy as the case might be."

"It is a most remarkable thing that the Government should claim the right to imprison, without legal process, and to banish for life to the horrors of a Molokai lazaretto a person claimed to be physically diseased, while conceding, as the Government must concede, that the mildest of lunatics could not be committed for a day to the Insane Hospital without a judicial inquiry into his mental status, and a judicial decision declaring him to be insane."

"Is it not a denial to those suspected of leprosy of the 'equal protection of the laws,' guaranteed by the Fourteenth Amendment, that they should be subject to the arbitrary control of the Board of Health, acting through physicians of its own appointment, and responsible to it alone, and holding position solely by the grace of the Board's favor? Is there any reason in principle why a person should be liable, upon the mere say so or certificate of a given number of physicians, who may be ignorant, who may be vicious, who may be prejudiced, who may be enemies of the person whose liberty is at stake, who have taken no oath to examine diligently, or certify truly, to be immune for life in the living hell of Molokai, when even the mildest offender against the mildest of penal statutes may not incur a money fine of one dollar without due and formal accusation, plea, arraignment, trial, and judgment in a court of law, where all the rights guaranteed by the Constitution as to witnesses, counsel and other modes of prosecution and defense shall be strictly observed?"

The brief of the Attorney General was not filed yesterday. It will, when it comes, be a strong presentation of the case on the part of the Government, the argument of Mr. Andrews during the hearing of the case indicating that the Government's position in the matter would be well fortified.

THE HARD LUCK OF A RENT COLLECTOR

There should be at least one interesting case in the Police Court this morning. The row is between a big fat native girl and a little old Chinese rent collector. The Chinaman, Lee Wo, tried to collect rent from her for her room and she sailed in and gave him a grand drubbing. He had her arrested for assault and battery and she retaliated by swearing out a warrant charging him with profanity.

There were not many other arrests during the day. Another assault and battery case occurs in Kwai Tong, who laid out Kallihwa in great shape. Six Japanese, two of them women, were caught playing craps. Ah Ho is charged with selling awa root without a license. C. K. Chow was arrested for being a common nuisance and Puhia (w) and Jim Kallianu are both in for disturbing the quiet of the night. Puhia has the added charge of drunkenness against her name.

The court had a strenuous day of it yesterday with 42 cases on the calendar.

Clara—"We girls are getting up a secret society." George—"What's the secret?" Clara—"I don't know yet, but I'll tell you all after I am initiated."—Jester.

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